

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARK WASHINGTON, formerly)	
Webb et al.,)	Civil Action
)	No. 06-CV-05349
Plaintiff)	
)	
vs.)	
)	
MERCK & CO., INC.,)	
)	
Defendant)	

O R D E R

NOW, this 31st day of August, 2007, upon consideration of Defendant Merck & Co., Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint, which motion was filed on January 30, 2007; upon consideration of the Answer in Opposition to Dismiss Plaintiff's Second Amended Complaint filed by Defendant Merck & Co., which answer was filed on March 2, 2007 by plaintiff; upon consideration of the Reply Brief of Defendant Merck & Co., Inc. in Further Support of Its Motion to Dismiss Plaintiff's Second Amended Complaint or Strike Certain Allegations in the Second Amended Complaint, which reply was filed on March 16, 2007; upon consideration of the Sur-Reply in Opposition to Motion to Dismiss Plaintiff's Second Amended Complaint Filed by Defendant Merck & Co., which sur-reply was filed on March 23, 2007 by plaintiff; upon consideration of plaintiff's Second Amended Complaint, filed on December 6, 2006; and for the reasons expressed in the accompanying Memorandum,

IT IS ORDERED that Defendant Merck & Co., Inc.'s Motion to Dismiss Plaintiff's Second Amended Complaint is denied.

IT IS FURTHER ORDERED that defendant shall have until September 20, 2007 to file an answer to plaintiff's Second Amended Complaint.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge